

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

CARLOS AVILES,
ANTHONY MARTINEZ, and
MARTIN GUZMAN,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: APR 24 2008

INDICTMENT

08 Cr.

08CRIM 367

COUNT ONE

The Grand Jury charges:

1. In or about December 2007, in the Southern District of New York and elsewhere, CARLOS AVILES and ANTHONY MARTINEZ, the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CARLOS AVILES and ANTHONY MARTINEZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five grams and more of methamphetamine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others,

were committed in the Southern District of New York, and elsewhere:

a. On or about December 20, 2007, in New York, New York, ANTHONY MARTINEZ, the defendant, made arrangements during a telephone call to provide a law enforcement officer, acting in an undercover capacity, with approximately one ounce of methamphetamine, in exchange for money.

b. On or about December 20, 2007, in New York, New York, CARLOS AVILES and ANTHONY MARTINEZ, the defendants, provided approximately one ounce of methamphetamine to a law enforcement officer, acting in an undercover capacity, in exchange for approximately \$2,200.00 in United States currency.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about April 2008, in the Southern District of New York and elsewhere, CARLOS AVILES, ANTHONY MARTINEZ, and MARTIN GUZMAN, the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of the conspiracy that CARLOS AVILES, ANTHONY MARTINEZ, and MARTIN GUZMAN, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled

substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(o)(1)(B).

OVERT ACTS

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. On or about April 10, 2008, in New York, New York, ANTHONY MARTINEZ, the defendant, made arrangements during a telephone call to provide a law enforcement officer, acting in an undercover capacity, with approximately three ounces of methamphetamine, in exchange for money.

b. On or about April 10, 2008, in New York, New York, CARLOS AVILES and ANTHONY MARTINEZ, the defendants, attempted to provide approximately three ounces of methamphetamine to a law enforcement officer, acting in an undercover capacity, in exchange for money.

c. On or about April 10, 2008, in New York, New York, CARLOS AVILES, the defendant, did possess in excess of 250 grams of mixtures and substances containing a detectable amount of methamphetamine.

d. On or about April 10, 2008, in New York, New York, MARTIN GUZMAN, the defendant, did possess at least one

ounce, or 28 grams, of mixtures and substances containing a detectable amount of methamphetamine.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

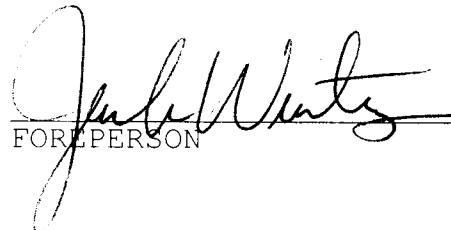
7. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, CARLOS AVILES, ANTHONY MARTINEZ, and MARTIN GUZMAN, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Four of this Indictment.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which

cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
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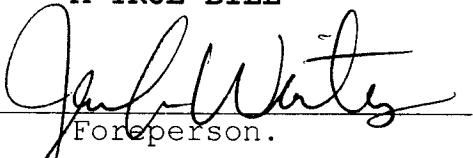
INDICTMENT

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(Title 21, United States Code,
Sections 812, 841(a)(1), 841(b)(1)(B), and 846.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

4/24/08
Fld. Indictment. Case assigned to
Judge Stein.

Eaton, J. U.S. M.J.
HJ